

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT
HAMPSHIRE DIVISION**

**FAMILY RESOLUTIONS SPECIALITY COURT
FREQUENTLY ASKED QUESTIONS FOR PARENTS**

• **WHAT IS FRSC?**

FRSC is a problem-solving court for families transitioning from one household to two, or who have already transitioned into separate households. In FRSC, the focus is on what each family member needs to make the transition happen smoothly. There are three main goals.

1. To help you make a co-parenting plan that works for the whole family.
2. To reduce the amount of conflict your child/ren are exposed to.
3. To refer you to services that might help your family, such as counseling or financial help.

• **HOW IS FRSC DIFFERENT FROM THE REGULAR COURT PROCESS?**

1. At the beginning of the FRSC process, your family is assigned a team. The team members are:
 - (a) the two parents;
 - (b) a Family Consultant (FC). The FC is a mental health professional who knows a lot about the needs of adults and children going through big changes. The FC will guide you through the FRSC process. He or she will give you information about co-parenting, parenting skills, and good communication between parents. The FC will also help you make a parenting plan and will give you referrals for community services if any family member needs outside help;
 - (c) FRSC will appoint a lawyer for your child/ren to be sure the child's voice is heard if that would be useful for the child/ren. You may jointly request that the Court not appoint a lawyer for your child/ren. The Court may appoint a lawyer later in the process, if you jointly request it or if it appears necessary;
 - (d) FRSC may also appoint a trained probation officer who will help guide your family through the FRSC process in the Court; and
 - (e) FRSC will appoint a mediator who will help you exchange the information you need to learn so you can make wise parenting and financial decisions. The mediator will also work with you on co-parenting communication and will help you reach an agreement on all the subjects you need to solve to reach the end of the Court process. The professional members of the team are called "the support team."
 - (f) FRSC may appoint a Team Coordinator to help the team work together efficiently and to help the team plan the FRSC process specifically suited to your family's needs. The Team Coordinator is a lawyer with knowledge and experience in family law. The Team Coordinator is neutral in FRSC and does not act as a lawyer for either parent.
2. You and the team will meet with the FRSC Judge in court conferences, rather than in formal court hearings. The FRSC Judge will help you work toward your agreements. If necessary, the Judge will make decisions on subjects you and your co-parent can't

agree on. You will be able to speak directly to the FRSC Judge in the court conferences. The complex court rules will be relaxed in FRSC. In FRSC, the main focus is on helping the parents communicate effectively and be the ones to make all the decisions. That way, the final agreement really is your own. Although there may be times when you need the judge to make a decision, the team works hard to help the co-parents together solve each issue.

3. The team will meet in a series of team meetings. Sometimes the full team will attend. Sometimes you will meet in smaller groups (called “partial team meetings”). When the team helps you solve one issue, you will move on to the next. You will continue to meet in this way until all the issues are resolved.
 4. Team members may refer you to support services that might be helpful to your family. Such services may be therapy, substance use disorder treatment, educational or emotional support for your child/ren, job training, fuel, housing and transportation assistance, etc.
- **CAN I PARTICIPATE IF I HAVE A LAWYER?** Yes. Your lawyer will help you get ready to speak with the Judge and will speak for you when necessary. There are some times when you might meet with the FC, mediator, or probation officer without your lawyer present, but your lawyer will attend all full team meetings and all court conferences with you. Even in mediation, you can work with your mediator to include your lawyer if you wish.

You can participate in FRSC if one parent has a lawyer and the other does not. The team will help to make the process feel fair if only one of you has a lawyer.

- **CAN I PARTICIPATE IF I DO NOT HAVE A LAWYER?** Yes. The FRSC process is less complicated than the traditional court, and you may find it okay to represent yourself.
- **WHAT IS THE BENEFIT TO MY CHILD/REN OF PARTICIPATING IN FRSC?** FRSC keeps a careful eye on your child/ren’s well-being. The child/ren are one of the main concerns of the FRSC Judge and the team.

FRSC wants to be sure your child/ren aren’t in the middle of any conflicts you have with your co-parent. If the child/ren are having trouble, the team will work with you to make the situation better for the children and can refer the child/ren for outside help.

- **WHAT IS THE BENEFIT TO ME OF PARTICIPATING IN FRSC?** The FRSC Judge and the support team will work with you and your co-parent to assist in reducing your level of conflict, improve your co-parenting communication and reach agreements you can both live with. The adults, too, will be connected with any needed services such as therapy, substance use disorder treatment, financial counseling, housing, employment and fuel assistance.
- **DO I HAVE TO PARTICIPATE? WILL I BE PENALIZED IF I DON’T PARTICIPATE?**

No. Not at all. It is your choice to take part in FRSC. FRSC will work only if both parents agree to participate. If both parents agree to participate, we call this “opting in.”

- **HOW DO WE FIGURE OUT OUR PARENTING PLAN?**

You will work with the Family Consultant and the other support team members to plan a schedule so that the child/ren may have a significant relationship with both parents. “Significant relationship” will have a different meaning for each family and for each child. There are many different parenting schedules a family may make. FRSC is open to any parenting plan if it fits the needs of each family member and is agreed upon by the parents. FRSC doesn’t require that the co-parents have equal parenting time. But FRSC will consider that model if it is what both parents want.

- **HOW DO WE FIGURE OUT WHAT TO DO ABOUT CHILD SUPPORT AND DIVIDING THE THINGS WE OWN?**

You will work with the team to figure out all the financial issues. Near the beginning of the process, the Team Coordinator will make sure that you can get all the information you need about your money and property so that you feel able to work on these decisions in the team.

If you have lawyers, they will help you learn what the Court expects in these decisions and the freedom you have to work out an agreement that feels fair to both of you. If you don’t have lawyers, the mediator will help you get that information. The team will help you figure out which team members you should work with to discuss the money and property issues. And the team members will help you figure out the child support and the division of your property so that the end result can make sense to both of you.

- **WHAT IF I DECIDE TO PARTICIPATE BUT CHANGE MY MIND LATER?**

Any parent may decide to stop FRSC at any time. We call this “opting out.” If that happens, there will usually be an “opt-out conference” that you and the full team attend. The Judge will talk with you to be sure you’re ready to opt out. Once you decide to leave FRSC, you will be assigned to a new Judge, and you will enter the traditional court process. If you have reached any final agreements during your time in FRSC, they stay in place. The FRSC Judge’s temporary orders stay in effect until the new Judge has had a chance to hear from you.

After opt-out, the FC will no longer work with you. Usually, the Child’s Attorney will no longer work with your child/ren. If the Child’s Attorney wants to continue to represent your child/ren in the traditional court, and if you and your co-parent agree to that, the new Judge will consider it. The Probation Department will decide whether the same probation officer or a different one will work with your family in the traditional Court. Your mediator is allowed to continue if you both want that to happen. But after the opt-out, you will need to arrange to pay the mediator.

- **CAN ANYONE ELSE OPT MY FAMILY OUT OF FRSC?**

Yes. Any member of the support team can recommend an opt-out, and the Judge can order an opt-out.

- **WHY WOULD SOMEONE ELSE OPT MY FAMILY OUT OF FRSC?**

There are three main reasons:

1. If there were concerns about violence or control by one parent over the other;
2. If a parent can't participate well in the process because of substance abuse disorder or mental illness that is not in control;
3. If a parent cannot participate openly or truthfully in the process.

- **WHAT IF I AM AFRAID OF MY CHILD/REN'S OTHER PARENT?**

Then FRSC is probably not right for you. If your child/ren's other parent is encouraging you to participate in FRSC and you feel like you can't talk freely in front of him or her, you can meet alone with a probation officer or the FC to talk about your concern.

- **DO I HAVE TO PAY ANYTHING TO BE IN FRSC?**

You will pay the same Court filing fee you would pay if you went through the traditional process. If you have already paid the fee in the traditional process and switch to FRSC, you will not have to pay the filing fee again.

If the Court appoints a guardian to determine whether to waive or assert your child/ren's therapeutic privilege, there may be a fee. The amount will be based on your income and financial resources.

You need to pay for any out-of-court services that you agree to use, such as counseling, parenting classes financial advisors, etc. Some of these services may be covered by your health insurance.

All other FRSC services--the Family Consultant, the Child's Attorney, the Team Coordinator and the mediator--are free to the parents.